

## Message Text

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70-61

ACTION ARA-20

INFO OCT-01 ISO-00 L-03 PPTE-00 SCA-01 VOE-00 CPR-02

SCSE-00 PM-07 NSC-10 SPC-03 SS-20 RSC-01 DODE-00

CIAE-00 INR-10 NSAE-00 DRC-01 A-01 SAL-01 PRS-01

INSE-00 /082 W

----- 121895

R 162122Z OCT 73

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 8811

INFO USCINCSO

PAN CANAL

UNCLAS PANAMA 5591

EO 11652: N/A

TAGS: PFOR, CPAS, CVIS, PN, PQ

SUBJ: CHANGE OF STATUS FEE

REF: PANAMA 5574

1. FOLLOWING IS FREELY TRANSLATED ENGLISH LANGUAGE  
VERSION OF AIDE-MEMOIRE RECEIVED ON OCTOBER 15.

BEGIN QUOTE. ARTICLE 1 OF DECREE LAW NO. 16 OF  
JUNE 30, 1960, AMENDED BY DECREE LAW NO. 13 OF SEPTEMBER  
20, 1965 AND BY DECREE LAW NO. 38 OF SEPTEMBER 29, 1966, DOES  
NOT SAY THAT THE STATUS OF TEMPORARY VISITOR WILL BE APPLIED FOR  
AT THE MINISTRY OF FOREIGN RELATIONS BUT AT THE MINISTRY OF  
GOVERNMENT AND JUSTICE.

THAT WHICH IS PROVIDED FOR IN ARTICLE 48 OF THE  
SAME DECREE LAW AS AMENDED IS NOT IN "CONFORMITY WITH  
THE PERTINENT DISPOSITIONS OF THE SEVERAL TREATIES  
CELEBRATED BETWEEN THE REPUBLIC OF PANAMA AND THE  
UNITED STATES OF AMERICA" AS IS STATED TO THE CONTRARY IN  
THE AIDE-MEMOIRE OF THE EMBASSY OF THE  
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UNITED STATES OF AMERICA IN PANAMA OF SEPTEMBER 27, 1973.

IT IS IN CONFORMITY WITH SOME AGREEMENTS BUT IN CONFLICT WITH ARTICLE X OF THE NON-NEGOTIATED PACT OF NOVEMBER 18, 1903 AND, THEREFORE, THE DEPENDENTS OF THE "OFFICERS, EMPLOYEES, LABORERS AND OTHER INDIVIDUALS IN THE SERVICE OF THE CANAL, RAILROAD AND AUXILIARY WORKS," ARE NOT EXEMPT FROM THE REPATRIATION DEPOSIT WHICH IS REQUIRED UNDER ARTICLE 26 OF DECREE LAW NO. 16.

LIKEWISE AS IN THE CASES OF THE REPATRIATION DEPOSIT, THE DEPENDENTS MENTIONED PREVIOUSLY ARE SUBJECT TO THE PAYMENT OF THE FEE WHICH ARTICLE 14 OF DECREE LAW NO. 16 AS AMENDED ESTABLISHES FOR THOSE PERSONS WHO REQUEST CHANGES IN MIGRATORY STATUS WITHIN THE REPUBLIC OF PANAMA.

THE AIDE-MEMOIRE OF SEPTEMBER 27, 1973, OF THE UNITED STATES EMBASSY SAYS IN THE LAST PART OF THE SECOND PARAGRAPH THAT WHICH FOLLOWS:

"MOREOVER, NO SUCH CHANGE OF STATUS IS REQUIRED BY DECREE LAW NO. 16 FOR ALIENS DEPARTING THE CANAL ZONE AND SEEKING NO LEAVE, TEMPORARILY OR OTHERWISE, THE REPUBLIC OF PANAMA."

UPON DELIVERING THIS AIDE-MEMOIRE TO THE MINISTER OF FOREIGN RELATIONS ON SEPTEMBER 27, 1973, THE AMBASSADOR OF THE UNITED STATES OF AMERICA EXPLAINED THAT THE IMMIGRATION OFFICE WAS CHARGING EMPLOYEES AND FUNCTIONARIES OF THE CANAL ZONE FIFTY BALBOAS BOTH ON LEAVING FROM PANAMA TO COSTA RICA AS WELL AS ON RETURNING BY TOCUMEN OR PASO DE CANOA.

CONCERNING THIS MATTER, THE DIRECTOR OF THE IMMIGRATION OFFICE OF THE MINISTRY OF GOVERNMENT AND JUSTICE HAS INFORMED THE MINISTRY OF FOREIGN RELATIONS THAT HIS OFFICE IS NOT CHARGING THESE PERSONS THE FEE OF FIFTY BALBOAS WHICH ARTICLE 14 OF DECREE LAW NO. 16 AS AMENDED ESTABLISHES, EXPLAINING SINCE THE DEPENDENTS OF THE EMPLOYEES OF THE CANAL ZONE DO NOT REGISTER OR AFFILIATE

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THEMSELVES WITH THE IMMIGRATION DEPARTMENT WHEN THEY ARRIVE IN THE TERRITORY OF THE REPUBLIC OF PANAMA WITH A TOURIST CARD, WHEN THEY LEAVE HERE FOR ANOTHER COUNTRY AND RETURN TO PANAMA, THEY DO NOT COME BACK NOW, NOR COULD THEY COME BACK NOW, AS TOURISTS BUT AS TEMPORARY VISITORS, WHICH DOES CONSTITUTE A CHANGE IN MIGRATORY STATUS, THIS BEING THE REASON FOR WHICH THEY ARE DIRECTED TO PAY THE FEE ESTABLISHED BY ARTICLE 14, BUT NOT FOR

OBTAINING EXIT AND REENTRY PERMISSION.

THE DIRECTOR OF IMMIGRATION EXPLAINED, MOREOVER, THAT SINCE THE DEPENDENTS IN REFERENCE ARRIVE IN THE REPUBLIC OF PANAMA WITH A TOURIST VISA, WHICH HAS A LEGAL DURATION OF 30 DAYS, EXTENDABLE UP TO 90 DAYS, AND GENERALLY REMAIN IN PANAMANIAN TERRITORY IN EXCESS OF THREE MONTHS, THEIR STATUS AS TOURISTS EXPIRES AT THE END OF SUCH PERIOD. THUS, IT IS IMPERATIVE, IN ORDER TO REMAIN LEGALLY IN THE COUNTRY, TO CHANGE THEIR MIGRATORY STATUS FOR THAT OF TEMPORARY VISITOR. FROM THIS IT IS CLEAR WHY IT IS NECESSARY TO MAKE THIS PROCEDURE EFFECTIVE AS IN THE CASE INDICATED IN THE PRECEDING PARAGRAPH.

THEREFORE, THE IMPOSITION OF THE FEE WHICH IS ESTABLISHED IN ARTICLE 14 FOR CHANGE OF STATUS FOR DEPENDENTS OF FOREIGN EMPLOYEES WHO RESIDE OR DESIRE TO RESIDE IN THE CANAL ZONE, OR WHO DESIRE TO LEAVE FROM TERRITORY OF THE REPUBLIC OF PANAMA, IS NOT EVEN IN THE MINIMUM, INCOMPATIBLE WITH THE TREATY OF 1903.

FURTHERMORE, THAT WHICH IS SET FORTH IN ARTICLE 14 OF THE DECREE LAW CONCERNING IMMIGRATION IS, IN EFFECT, APART FROM THAT SET FORTH IN ARTICLES 47 AND 48 OF THE SAME DECREE LAW.

(INITIALED)JUAN ANTONIO TACK  
PANAMA, OCTOBER 10, 1973

2. EMBASSY COMMENTS FOLLOW SEPTTEL.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** GOVERNMENT PERSONNEL, ALIEN REGISTRATION, FEES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 OCT 1973  
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**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
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**Executive Order:** N/A  
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**Subject:** CHANGE OF STATUS FEE  
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**To:** STATE  
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